

FOR THE DISTRICT OF HAWAI'I

COUNTY OF KAUA'I,)	CIV NO. CV05-00052 KSC
)	(Other Civil Action)
Plaintiff,)	
)	
v.)	DECLARATION OF RONALD J.
)	WAGNER
MANDALAY PROPERTIES HAWAI'I LLC,)	
a Hawai'i limited liability)	
company; JOHN DOES 1-100; JANE)	
DOES 1-100; DOE PARTNERSHIPS,)	
CORPORATIONS AND/OR OTHER)	
ENTITIES 1-100; DOE GOVERNMENTAL)	
AGENCIES 1-100,)	
)	
Defendants.)	

DECLARATION OF RONALD J. WAGNER

I, RONALD J. WAGNER, declares as follows:

1. I make this declaration based on my personal

knowledge and I am competent to testify to the matters set forth herein.

2. I make this declaration in support of Defendant

Mandalay Properties Hawai'i LLC's Reply in Support of the Renewed and Supplemented Motion for Summary Judgment filed by on November 30, 2006, filed January 9, 2007.

3. I am a Licensed Surveyor (License No. 5074) and

Professional Engineer (License No. 4221) in Hawai'i.

4. Attached as Exhibit "44" is a true and correct

copy of a map I created entitled "Map Designating Easement P-1", dated September 21, 1998, reflecting the metes and bounds of Easement P-1, which was attached to the "Grant of Pedestrian

5. As recorded, Easement P-1 is 5,913 square feet. Virtually all of Easement P-1 is located on TMK No. 4-9-06: 11, also known as Parcel 11, with the exception of approximately 480 square feet (or 50 feet) of the end of that easement, which extends into the southern portion of the Widemann Reservation, also known as TMK No. 4-9-06: 05. Easement P-1 is nowhere near Papa`a Road.

6. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Hanalei, Hawai'i, January 9, 2007.


RONALD J. WAGNER